

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CHESTER CARL WAGNER,)
Petitioner,)
v.) CIVIL ACTION NO. 01-AR-2732-S
WARDEN JOHN NAGLE and THE)
ATTORNEY GENERAL OF THE)
STATE OF ALABAMA,)
Respondents.)

02 JAN 31 PH 1:23
JAN 31 2002
JW
ENTERED
JAN 31 2002

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice. An appropriate order will be entered.

DONE, this 31st day of January, 2002.

William M. Acker
WILLIAM M. ACKER, JR.
SENIOR UNITED STATES DISTRICT JUDGE

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